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OFFICE OF PETITIONS

In re Application of
C. Michael Elliott, et al.
Application No. 10/524,126
Filed: February 9, 2005
Attorney Docket No. 314259

DECISION GRANTING PETITION

This is a decision on the "Petition to Accord A Filing Date" filed December 12, 2005, requesting that the above-identified application be accorded a filing date of February 9, 2005, instead of the presently accorded date of February 10, 2005.

Applicants request the earlier filing date on the basis that the application was purportedly deposited with the U. S. Postal Service (USPS) as Express Mail on February 9, 2005. In support, applicants provide, inter alia, a copy of the Express Mail label, No. EL971196645US. The same Express Mail receipt number appears on the original transmittal letter found in the file.

It is noted that while the "date-in" entered on the present copy of the Express Mail mailing label is not clear, the USPS Track & Confirm record confirms that a package bearing Express Mail label No. EL971196645US was accepted February 9, 2005 at 5:44pm in the USPS Denver CO 80202 location.

Accordingly, the evidence is convincing that the application was deposited as "Express Mail" with the U.S. Postal Service on February 9, 2005.

The petition is GRANTED.

The application is being referred to the Office of Initial Patent Examination (OIPE) for correction of the filing date to **February 9, 2005**, and issuance of a Corrected Official Filing Receipt.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to OIPE processing should be directed to their hotline at (571) 272-4000.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions
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for Patent Examination Policy